UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,876	07/24/2003	Thomas Richard Beard		9673

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3693	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	10/625,876	BEARD ET AL.
	Examiner	**Art Unit**	
	KENNETH L. BARTLEY	3693	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 April 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-44</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-44</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Receipt of Applicant's response filed April 4, 2008 is acknowledged. Claims 1-44

are pending and are provided to be examined upon their merits.

Priority

2.   The Applicant needs to perfect their priority. The foreign priority claim filed on

April 4, 2008 was not entered because the foreign priority claim was not filed during the

time period set forth in 37 CFR 1.55(a)(1). For original applications filed under 35

U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the time

period is during the pendency of the application and within the later of four months from

the actual filing date of the application or sixteen months from the filing date of the prior

foreign application. For applications that have entered national stage from an

international application filed on or after November 29, 2000, after compliance with 35

U.S.C. 371, the claim for priority must be made during the pendency of the application

and within the time limit set forth in the PCT and the Regulations under the PCT. See

37 CFR 1.55(a)(1)(ii). If applicant desires priority under 35 U.S.C. 119(a)-(d), (f) or

365(a) based upon a prior foreign application, applicant must file a petition for an

unintentionally delayed priority claim (37 CFR 1.55(c)). The petition must be

accompanied by (1) the claim (i.e., the claim required by 35 U.S.C. 119(a)-(d) and (f)

and 37 CFR 1.55) for priority to the prior foreign application, unless previously

submitted; (2) a surcharge under 37 CFR 1.17(t); and (3) a statement that the entire

delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the

claim was filed was unintentional. The Director may require additional information

where there is a question whether the delay was unintentional. The petition should be

addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria,

Virginia 22313-1450.

Response to Arguments

3.   Applicant's arguments filed April 4, 2008 have been fully considered but they are

not persuasive. The Examiner provides a response below in **bold**.

Rejection cited by Examiner in prior Office Action:
**The Examiner rejected claims 1-4, 6-12, 14-20, 22-26, 28-34, 36-42 and 44 under 35
USC 102(e) as anticipated by US Patent No. 7,228,289 to Brumfield et al.**

Applicant argues on pages 2 and 3 of Remarks:
> The applicant submits the principal difference between Brumfield and the
> invention is that our invention allows the trader to see one or more pieces of data
> associated with a given price graphically, where Brumfield only teaches how to
> show one piece of data graphically.
>
> For example, in Figure 4 of Brumfield; 452 shows the last traded quantity at a
> given price in the market. By comparison, in Figure 3 of our invention, 140 shows
> a multiplicity of recent trade quantities (140A, 140B). By showing multiple recent
> trade volumes at a given price level, our invention tells the trader more
> information about the state of the market.
>
> Similarly, in Figure 4 of Brumfield, 406 and 408 show total Ask/Bid quantities
> numerically, but not graphically. In Figure 3 of our invention, 120 shows the total
> Ask/Bid quantifies graphic, ally, but also shows the quantities associated with
> each broker (120A, 120B, 120C).
>
> Brumfield has no analogue of the time-based buying/selling time schedule shown
> in figure 5 of our invention.

The Examiner respectfully reminds the Applicant that the claims are examined, not the specification or the specification figures. The Examiner uses Brumfield as prior art over elements of Applicant's claims. Also, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., details cited in Fig. 3 and Fig. 5) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Rejection cited by Examiner in prior Office Action:

The Examiner rejected claims 5, 13, 21, 27, 35, and 43 under 35 USC 103(a) using US Patent No. 7,228,289 to Brumfield et al. in view of US Patent No. 7,243,083 to Burns et al.

Applicant argues on page 3:

The applicant submits the invention is non-obvious over the cited prior art for the same reasons outlined above.

As noted above, the features upon which Applicant is relying are not cited in their claims.

Applicant concludes on page 3-4:

For the above reasons, the Applicant submits that the specification and claims are now in proper form, and that the claims all define patentability over the prior art, for at least the reasons set forth above. Therefore we submit that this application is now in condition for allowance, which action we respectfully solicit.

The Examiner respectfully points out that the priority date needs to be perfected and that as pointed out above, the limitations cited in the specification are not reflected in the claims.

Request for Constructive Assistance on page 3:

Applicants have amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. §2173.02 and §707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

First, the Examiner points out that there was no amendment to the specification or claims filed by the Applicant.

Secondly, it is not obvious to the Examiner that there is allowable subject matter. Applicant's specification is directed toward visually representing order book (trading) data, of which there is prior art, two of which were cited in the prior Office Action (the Examiner provides additional patents/applications that relate to Applicant's invention in the Conclusion section below). The foreign reference that Applicant provided (WO 02/059815) also cites prior art (US Patent 5,347,452 to Bay, Jr. and WO 92/12488) that indicates invention cannot be considered novel. The agency discourages examiners from redrafting applicant claims, unless the examiner believes that there is patentable subject matter present, as the redrafted claims would establish the metes and bounds of the applicant's intellectual property, and thereby limit future legal rights pertaining to said intellectual property. See MPEP 707.07(j).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-4, 6-12, 14-20, 22-26, 28-34, 36-42 and 44 are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,228,289 to Brumfield et al..

[Note that the analysis for the system claims (1-8, 17-22, and 29-36) also applies to the respective method claims (9-16, 23-28, 37-44). For claim analysis purposes, the method claims will be analyzed.]
Regarding claims 1 and 9 (method claim 9 reviewed see note above)
9. A method of visualising trading data comprising the steps of:

Brumfield et al. discloses...
The ability to visualize trading data...
"As described with reference to the accompanying Figures, the preferred
embodiments provide a display and/or trading method to ensure fast and
accurate order entry by displaying market information along a static axis."
(col. 3, lines 45-48)

maintaining in computer memory a transaction database of transaction data
representing offers for sale, offers to buy and concluded sales in relation to one or more
tradable items, the transaction data comprising one or more data sets, one or more of
the data sets comprising an item identifier, a transaction identifier and an item volume
value;

> **Brumfield et al. continues with a computer system (Fig. 1 and Fig. 2) that**
> **maintains information such as transaction data, offers, and sales including**
> **concluded sales (Fig. 4, refs. 420, 405, and 408) in relation to tradable data,**
> **that includes identifier and volume data...**
>
> **"According to the preferred embodiment, client device 200 has trading**
> **application 202 stored in memory that when executed arranges and**
> **displays market information 108 in many particular ways, usually**
> **depending on how the trader prefers to view the information. Preferably,**
> **trading application 202 has access to market information 108 through API**
> **204 (or application programming interface) and trading application 202 can**
> **also forward transaction information 114 to host exchange 210 via API**
> **204." (col. 6, lines 47-56)**

retrieving transaction data from the transaction database; and

> **The ability to retrieve transaction data...**
> **"Electronic trading is generally based on a host exchange, one or more**
> **computer networks, and client devices. In general, the host exchange**
> **includes one or more centralized computers to form the electronic heart.**
> **Its operations typically include order matching, maintaining order books**
> **and positions, price information, and managing and updating a database**
> **that records such**
> **information." (col. 1, lines 53-59)**

displaying one or more graphical representations of some or all of the transaction data
including at least one offer for sale or offer to buy, the size of one or more of the
graphical representations proportional to the volume of tradable items represented by
the transaction data.

> **Fig. 4 provides graphical representation of transaction data, that includes**
> **at least one offer for sale or offer to by, and proportional representation of**
> **volume.**

"A last traded quantity region 412 indicates the last traded quantity ("LTQ")
in association with its corresponding price level. The last trade quantity
region 412 may also be used to display other useful items of interest. For
example, preferably region 412 can be configured to display volume by
price in bar, text, or some other format (e.g., see volume bars 452 which
indicate the volume traded at various price levels over set time period)."
(col. 15, lines 20-28)

Regarding claims 2-4 and 10-12:
(claim 10) A method of visualising trading data as claimed in claim 9 wherein one or
more of the data sets includes a time value.
(claim 11) A method of visualising trading data as claimed in claim 10 further
comprising the step of displaying one or more of the graphical representations with a
colour property based on the time value in each data set.
(claim 12) A method of visualising trading data as claimed in claim 10 further comprising
the step of displaying two or more graphical representations of some or all of the
transaction data, the graphical representations positioned relative to the other graphical
representation(s) based on the time value in each data set.
> **Brumfield et al. discloses...**
> **Ability to display different colors for different time periods (also Fig. 4)...**

> "Color, for example, may be used to differentiate times within the set
> period of time. Of course, the LTQ may alternatively be illustrated
> numerically and, if desired, only the most recent LTQ may be displayed
> instead of a series of LTQs over a set period of time." (col. 15, lines 28-32)

Regarding claims 6-7 and 14-15:
(claim 14) A method of visualising trading data as claimed in claim 9 wherein one or
more of the data sets includes a currency value.
(claim 15) A method of visualising trading data as claimed in claim 14 further comprising
the step of displaying two or more graphical representations, the graphical
representations positioned relative to the other graphical representation(s) based on the
currency value in
each data set.
> **Brumfield et al. discloses...**
> **Fig. 4, ref. 410, discloses data sets of currency value, which represents the
> price of the transaction (currency value) as well as volume of last traded
> price level (col. 15, lines 20-28).**

Regarding claims 8 and 16:
16. A method of visualising trading data as claimed in claim 9 further comprising the
step of displaying two or more graphical representations, the graphical representations

positioned relative to the other graphical representation(s) based on the transaction
identifier in each data set.

> **Brumfield et al. discloses...** .
>
> **Fig. 4 provides two or more graphical representations for visualizing
> trading data.**

Regarding claims 17 and 23: .

23. A method of visualising trading data comprising the steps of:

> **Brumfield et al. discloses...** .
>
> **The ability to visualize trading data...**
>
> **"As described with reference to the accompanying Figures, the preferred
> embodiments provide a display and/or trading method to ensure fast and
> accurate order entry by displaying market information along a static axis."
> (col. 3, lines 45-48)**

maintaining in computer memory a transaction database of transaction data
representing offers for sale, offers to buy and concluded sales in relation to one or more
tradable items, the transaction data comprising one or more data sets, one or more of
the data sets comprising an item identifier, a transaction identifier and an item volume
value;

> **Brumfield et al. continues with a computer system (Fig. 1 and Fig. 2) that
> maintains information such as transaction data, offers and sales in relation
> to tradable data, that would include identifier and volume data...**
>
> **"According to the preferred embodiment, client device 200 has trading
> application 202 stored in memory that when executed arranges and
> displays market information 108 in many particular ways, usually
> depending on how the trader prefers to view the information. Preferably,
> trading application 202 has access to market information 108 through API
> 204 (or application programming interface) and trading application 202 can
> also forward transaction information 114 to host exchange 210 via API
> 204." (col. 6, lines 47-56)**

retrieving transaction data from the transaction database; and

> **"Electronic trading is generally based on a host exchange, one or more
> computer networks, and client devices. In general, the host exchange
> includes one or more centralized computers to form the electronic heart.
> Its operations typically include order matching, maintaining order books
> and positions, price information, and managing and updating a database
> that records such
> information." (col. 1, lines 53-59)**

displaying one or more graphical representations of some or all of the transaction data
including at least one offer for sale or offer to buy, the size of one or more of the

graphical representations proportional to the volume of tradable items represented by
the transaction data.

> **Fig. 4 provides graphical representation of transaction data, that includes
> at least one offer for sale or offer to by, and proportional representation of
> volume.**

> **"A last traded quantity region 412 indicates the last traded quantity ("LTQ")
> in association with its corresponding price level. The last trade quantity
> region 412 may also be used to display other useful items of interest. For
> example, preferably region 412 can be configured to display volume by
> price in bar, text, or some other format (e.g., see volume bars 452 which
> indicate the volume traded at various price levels over set time period)."
> (col. 15, lines 20-28)**

Regarding claims 18-20 and 24-26:

24. A method of visualising trading data as claimed in claim 23 wherein one or more of
the data sets includes a time value and/or a currency value.

25. A method of visualising trading data as claimed in claim 23 further comprising the
step of displaying one or more of the graphical representations with a colour property
based on the time value and/or currency value in each data set.

26. A method of visualising trading data as claimed in claim 24 further comprising the
step of displaying two or more graphical representations of some or all of the
transaction data, the graphical representations positioned relative to the other graphical
representation(s) based on the time value and/or currency value in each data set.

> **Brumfield et al. discloses...**
> **Ability to display different colors for different time periods...**

> **"Color, for example, may be used to differentiate times within the set
> period of time. Of course, the LTQ may alternatively be illustrated
> numerically and, if desired, only the most recent LTQ may be displayed
> instead of a series of LTQs over a set period of time." (col. 15, lines 28-32)**

Regarding claims 22 and 28:

28. A method of visualising trading data as claimed in claim 23 further comprising the
step of displaying two or more graphical representations, the graphical representations
positioned relative to the other graphical representation(s) based on the transaction
identifier in each data set.

> **Brumfield et al. discloses...**
> **Fig. 4 provides two or more graphical representations for visualizing
> trading data.**

Regarding claims 29 and 37:

37. A method of visualising trading data comprising the steps of:

Brumfield et al. discloses...
The ability to visualize trading data...
"As described with reference to the accompanying Figures, the preferred embodiments provide a display and/or trading method to ensure fast and accurate order entry by displaying market information along a static axis." (col. 3, lines 45-48)

maintaining in computer memory a transaction database of transaction data representing offers for sale, offers to buy and concluded sales in relation to one or more tradable items, the transaction data comprising one or more data sets, one or more of the data sets comprising an item identifier, a transaction identifier and an item volume value;

> **Brumfield et al. continues with a computer system (Fig. 1 and Fig. 2) that maintains information such as transaction data, offers and sales in relation to tradable data, that would include identifier and volume data...**
>
> **"According to the preferred embodiment, client device 200 has trading application 202 stored in memory that when executed arranges and displays market information 108 in many particular ways, usually depending on how the trader prefers to view the information. Preferably, trading application 202 has access to market information 108 through API 204 (or application programming interface) and trading application 202 can also forward transaction information 114 to host exchange 210 via API 204." (col. 6, lines 47-56)**

retrieving transaction data from the transaction database; and

> **"Electronic trading is generally based on a host exchange, one or more computer networks, and client devices. In general, the host exchange includes one or more centralized computers to form the electronic heart. Its operations typically include order matching, maintaining order books and positions, price information, and managing and updating a database that records such information." (col. 1, lines 53-59)**

displaying one or more graphical representations of some or all of the transaction data including at least one offer for sale or offer to buy, the size of one or more of the graphical representations proportional to the volume of tradable items represented by the transaction data.

> **Fig. 4 provides graphical representation of transaction data, that includes at least one offer for sale or offer to by, and proportional representation of volume.**
>
> **"A last traded quantity region 412 indicates the last traded quantity ("LTQ") in association with its corresponding price level. The last trade quantity**

region 412 may also be used to display other useful items of interest. For example, preferably region 412 can be configured to display volume by price in bar, text, or some other format (e.g., see volume bars 452 which indicate the volume traded at various price levels over set time period)." (col. 15, lines 20-28)

Regarding claims 30-32 and 38-40:
(claim 38) A method of visualising trading data as claimed in claim 37 wherein one or more of the data sets includes a time value.
(claim 39) A method of visualising trading data as claimed in claim 38 further comprising the step of displaying one or more of the graphical representations with a colour property based on the time value in each data set.
(claim 40) A method of visualising trading data as claimed in claim 38 further comprising the step of displaying two or more graphical representations of some or all of the transaction data, each graphical representation positioned relative to the other graphical representation(s) based on the time value in each data set.
> **Brumfield et al. discloses...**
> **Ability to display different colors for different time periods (also Fig. 4)...**
>
> **"Color, for example, may be used to differentiate times within the set period of time. Of course, the LTQ may alternatively be illustrated numerically and, if desired, only the most recent LTQ may be displayed instead of a series of LTQs over a set period of time." (col. 15, lines 28-32)**

Regarding claims 33-34 and 41-42:
41. A method of visualising trading data as claimed in claim 37 wherein one or more of the data sets includes a currency value.
42. A method of visualising trading data as claimed in claim 41 further comprising the step of displaying two or more graphical representations, the graphical representations positioned relative to the other graphical representation(s) based on the currency value in each data set.
> **Brumfield et al. discloses...**
> **Fig. 4, ref. 410, discloses data sets of currency value, which represents the price of the transaction.**

Regarding claims 36 and 44:
44. A method of visualising trading data as claimed in claim 37 further comprising the step of displaying two or more graphical representations, the graphical representations positioned relative to the other graphical representation(s) based on the transaction identifier in each data set.
> **Brumfield et al. discloses...**
> **Fig. 4 provides two or more graphical representations for visualizing trading data.**

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

7.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating
>   obviousness or nonobviousness.

8.   Claims 5, 13, 21, 27, 35, and 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 7,228,289 to Brumfield et al. in view of U.S. Patent

7,243,083 to Burns et al..

Regarding claims 5 and 13:
13. A method of visualising trading data as claimed in claim 9 further comprising the
step of displaying one or more graphical representations with a colour property based
on the transaction identifier in each data set.

> **While Brumfield et al., in the business of displaying market information,
> discloses colors for different times, they do not disclose using color for
> different types of transactions,
> Burns et al., in the same business of displaying market information,
> discloses:**
>
>> **"In FIG. 10, the bids are shown in one color while the asks/offers are
>> shown in another color." (col. 18, lines 29-30)**

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to allow for using different colors associated with transactions, motivated by Burns et al., and that doing so would help in visually identifying different types of transactions.

Regarding claims 21 and 27:

27. A method of visualising trading data as claimed in claim 23 further comprising the step of displaying one or more graphical representations with a colour property based on the transaction identifier in each data set.

> **While Brumfield et al., in the business of displaying market information, discloses colors for different times, they do not disclose using color for different types of transactions,**
> **Burns et al., in the same business of displaying market information, discloses:**
>> **"In FIG. 10, the bids are shown in one color while the asks/offers are shown in another color." (col. 18, lines 29-30)**

> **Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to allow for using different colors associated with transactions, motivated by Burns et al., and that doing so would help in visually identifying different types of transactions.**

Regarding claims 35 and 43:

43. A method of visualising trading data as claimed in claim 37 further comprising the step of displaying one or more of the graphical representations with a colour property based on the transaction identifier in each data set.

> **While Brumfield et al., in the business of displaying market information, discloses colors for different times, they do not disclose using color for different types of transactions,**
> **Burns et al., in the same business of displaying market information, discloses:**
>> **"In FIG. 10, the bids are shown in one color while the asks/offers are shown in another color." (col. 18, lines 29-30)**

> **Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to allow for using different colors associated with transactions, motivated by Burns et al., and that doing so would help in visually identifying different types of transactions.**

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No.	6,408,282	Buist
U.S. Patent No.	6,513,019	Lewis
U.S. Patent No.	6,993,504	Friesen et al.
U.S. Patent No.	7,212,999	Friesen et al.
U.S. Pub. No.	2002/0073017	Robertson
U.S. Pub. No.	2002/0194114	Erdmier

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH L. BARTLEY whose telephone number is

(571)272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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